

## SWORN COMPLAINT FORM

(Form May Be Subject to Public Disclosure)\*

AS REQUIRED BY GOVERNMENT CODE SECTION 83115, please complete the form below to file a sworn complaint with the Fair Political Practices Commission. This form must be completed in its entirety and all pertinent information must be stated on this form, not as an attachment.

Mail the complaint to: Enforcement Division  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, California 95814

### Person Making Complaint

Last name: DeMers

First Name: Bruce

Street Address:

Redacted

City: State:

Zip:

Telephone: ( ) -

Fax: ( ) -

E-mail:

### \*IMPORTANT NOTICE

Under the California Public Records Act (Gov. Code Section 6250 and following), this sworn complaint and your identity as the complainant may be subject to public disclosure. Unless the Chief of Enforcement deems otherwise, within three business days of receiving your sworn complaint we will send a copy of it to the persons(s) you allege violated the law.

In some circumstances, the FPPC may claim your identity is confidential, and therefore not subject to disclosure. A court of law could ultimately make the determination of confidentiality. If you wish the FPPC to consider your identity confidential, do not file the complaint before you contact the FPPC (916-322-5660 or toll free at 866-ASK-FPPC) and discuss the complaint with an Enforcement Division attorney.

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RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION

## Complaint

Person or Persons who Allegedly Violated the Political Reform Act: (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: City of San Jose c/o Reed

First Name: Chuck

Street Address:

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: ( )

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Provision or Provisions of the Political Reform Act Allegedly Violated:** (If specific sections are not known, please provide a brief summary of the nature of the violation(s), and when it (they) occurred.) **You must state the suspected violation(s) on this form.**

1. Violation of mass mailing at public expense proscribed by 2 CCR §18901.
2. Violation of Government Code §54954, local agency support of election of a candidate.
3. Illegal expenditure of public funds for political support.

**Description, With as Much Particularity as Possible, of Facts Constituting Alleged Violation and how you have personal knowledge that it occurred\*\***

The Redevelopment Agency of the City of San Jose (RDA) provides financial support to the San Jose Silicon Valley Chamber of Commerce (Chamber) pursuant to a contract. The financial support specifically includes support for the Chamber's monthly newsletter, "The Chamber Advocate". This contract which was in effect from March 2, 2009 to March 2, 2010 required the RDA to pay direct financial support in the amount of \$22,500 for Advocate feature space and \$27,000 for full page advertisement in the Advocate. The Chamber has a history of including political advocacy urging support of certain public figures by name and photograph and republishing its articles in paid advertisements in the Silicon Valley/San Jose Business Journal (Business Journal). As examples:

- \* The Advocate for November 2009 included an article naming Chuck Reed, with his position as Mayor and his photograph. This was republished as a paid advertisement in the 11/6/09 issue of the Business Journal.
- \* The Advocate for December 2009 had an article regarding San Jose Councilman Sam Licardo, with his name, position and photograph. This article was republished in the December 25, 2009 issue of the Business Journal as a paid advertisement.

See attached continuation of summary.

**\*\*Please attach copies of any available documentation that is evidence of the violation, (for example, checks, campaign materials, etc., if applicable to the complaint). Note that a newspaper article is NOT considered evidence of a violation.**

**Name and Addresses of Potential Witnesses, in addition to yourself, if Known:**

SEE ATTACHED WITNESS LIST

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_ - \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

## **Attachment to Sworn Complaint Form**

Attached Continuation of Summary:

- \* The January 2010 issue of the Advocate featured a article endorsing Chuck Reed and Peter Constant for re-election as Mayor and Councilman respectively – with their names, pictures and official positions. The same issue of the Advocate had an article regarding Peter Constant with his picture, name and official position. These articles were republished as a paid advertisement in the January 8, 2010 issue of the Business Journal.
- \* The February 2010 issue of the Advocate contained an article endorsing Sam Licardo for re-election to the San Jose City Council which included his name, photograph and official position. This article was republished in the Business Journal in its February 5, 2010 issue as a paid advertisement.
- \* The February 2010 issue of the Advocate included an article about City Councilman Pierluigi Oliverio which included his name, position and photograph. This article was republished in the February 12, 2010 issue of the Business Journal as a paid advertisement.

It is believed that neither the RDA nor the Chamber reported these contributions as required by Government Code §§82013(b), 84200 and 84211.

The publication of the Advocate appears to be a violation of the mass mailing sent at public expense, 2 CCR §18901. Further, the publication, financially supported by a public agency, to wit, the RDA, would constitute a violation of Government Code §54964, and a illegal use of public funds.

SEE ATTACHED WITNESS LIST

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Redacted

(Signature)

Bruce DeMers

(Please print your name)

Oct 6 2010

(Date)

Name and address of Potential Witnesses:

PETE CONSTANT  
COUNCILMEMBER DISTRICT 1  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4901 - telephone  
408-292-6448 - facsimile  
DISTRICT1@SANJOSECA.GOV

ASH KALRA  
COUNCILMEMBER DISTRICT 2  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4902 - telephone  
408-292-6451 - facsimile  
DISTRICT2@SANJOSECA.GOV

SAM LICCARDO  
COUNCILMEMBER DISTRICT 3  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4903 - telephone  
408-292-6456 - facsimile  
DISTRICT3@SANJOSECA.GOV

KANSEN CHU  
COUNCILMEMBER DISTRICT 4  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4904 - telephone  
408-292-6459 - facsimile  
DISTRICT4@SANJOSECA.GOV

NORA CAMPOS  
COUNCILMEMBER DISTRICT 5  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4905 - telephone  
408-292-6462 - facsimile  
DISTRICT5@SANJOSECA.GOV

PIERLUGI OLIVERIO  
COUNCILMEMBER DISTRICT 6  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4906 – telephone  
408-292-6465 – facsimile

CA.GOV

MADISON NGUYEN  
COUNCILMEMBER DISTRICT 7  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4907 – telephone  
408-292-6468 – facsimile  
DISTRICT7@SANJOSECA.GOV

ROSE HERRERA  
COUNCILMEMBER DISTRICT 8  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4908 – telephone  
408-292-6469 – facsimile  
DISTRICT8@SANJOSECA.GOV

JUDY CHIRCO  
COUNCILMEMBER DISTRICT 9  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4909 – telephone  
408-292-6471 – facsimile

GOV

NANCY PYLE  
COUNCILMEMBER DISTRICT 10  
CITY OF SAN JOSE  
200 EAST SANTA CLARA STREET  
SAN JOSÉ CA 95113  
408-535-4910 – telephone  
408-292-6478 – facsimile  
DISTRICT10@SANJOSECA.GOV

HARRY MAVROGENES  
EXECUTIVE DIRECTOR  
SAN JOSE REDEVELOPMENT AGENCY  
200 E SANTA CLARA STREET #14  
SAN JOSE, CA 95113  
408-535-8500 – telephone  
408-292-6764 – facsimile





FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

October 29, 2010

Mr. Bruce DeMers

Redacted

RE: FPPC File No. 10/904; City of San Jose

Dear Mr. DeMers:

This letter is to notify you that the Enforcement Division of the Fair Political Practices Commission (the "FPPC") will investigate the allegation(s), under the jurisdiction of the FPPC, of the sworn complaint you submitted in the above-referenced matter. You will next receive notification from us upon final disposition of the case. However, please be advised that at this time we have not made any determination about the validity of the allegation(s) you have made or about the culpability, if any, of the person(s) you identify in your complaint.

Thank you for taking the time to bring this matter to our attention.

Sincerely

Redacted

Roman G. Porter  
Executive Director

RGP/tr

cc. City of San Jose